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In re Application of  
RADCLIFFE, Suzy  
U.S. Application No.: 10/589,425  
PCT No.: PCT/IB2005/002379  
Int. Filing Date: 11 February 2005  
Priority Date: 12 February 2004  
Attorney Docket No.: 25850-013-CIP NATL  
For: GARMENT LENGTH ADJUSTMENT  
MECHANISM

**DECISION ON PETITION****TO WITHDRAW HOLDING****OF ABANDONMENT**

This decision is in response to the "Petition for Withdrawal of Holding of Abandonment Based On Failure to Respond to Notification of Missing Requirements Under 37 C.F.R. § 1.181(a)" filed on 10 July 2008. No fee is required.

**BACKGROUND**

On 20 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit in which to respond was set with extensions of time available.

On 15 November 2007, applicant purportedly filed an executed declaration in the above-captioned application along with the surcharge fee and extension fee.

On 20 June 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 mailed 20 April 2007 within the time period set.

On 10 July 2008, applicant filed a petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, copies of the documents purportedly filed 15 November 2007 along with a date-stamped postcard receipt.

**DISCUSSION**

A review of the subject application shows that the 15 November 2007 declaration purportedly filed in the above-captioned application was not located in the file. USPTO

financial records do show that a surcharge fee and extension fee were paid in the subject application on 15 November 2007.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicant has provided a copy of the date-stamped postcard receipt for documents submitted 15 November 2007. The postcard receipt records that among the papers received in the USPTO included an "Declaration." The postcard receipt is stamped "PCT/PTO 15 NOV 2007" across its face. The U.S. application number and docket number are listed on the postcard receipt. Applicant also provided a copy of the declaration and response filed 15 November 2007.

Applicant has provided *prima facie* evidence that the declaration was originally received by the USPTO on 15 November 2007.

#### DECISION

For the reasons noted above, applicant's petition to withdraw the holding of abandonment is GRANTED.

The Form PCT/DO/EO/909 mailed 20 June 2008 is hereby VACATED.

The declaration originally filed 15 November 2007 is in compliance with 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 February 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 15 November 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.



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